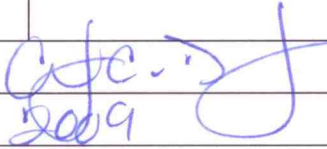


<p align="center">POLICY OF</p> <p align="center">STATE OF DELAWARE</p>	<p align="center">POLICY NUMBER</p> <p align="center">3.7</p>	<p align="center">PAGE NUMBER</p> <p align="center">1 of 2</p>
<p align="center">DEPARTMENT OF CORRECTION</p>	<p align="center">RELATED ACA STANDARDS:</p>	
<p>CHAPTER: 3 PROGRAMS AND SERVICES</p>	<p>SUBJECT: REGISTRATION OF SEX OFFENDERS AND COMMUNITY NOTIFICATION</p>	
<p>APPROVED BY THE COMMISSIONER: </p>		
<p>EFFECTIVE DATE: 20 April 2009</p>		
<p>APPROVED FOR PUBLIC RELEASE</p>		

- I. AUTHORITY: 11 Del. C §4120, §4121 and §4336
- II. PURPOSE: To establish a procedure for the registration of sex offenders.
- III. APPLICABILITY: All Department of Correction employees, volunteers, persons or organizations conducting business with the Department, and all offenders under supervision of the Department of Correction.
- IV. DEFINITIONS:
- A. Sex Offender: A sex offender is defined as any person who has been convicted of a sexual offense. House Bill #485 broadened the federal Adam Walsh Act to include all offenders, regardless of the date of conviction, to be registered as a sex offender. Tier 1 offenders prior to 1994 are exempt.
 - B. Victim: The person, organization (neighborhood or homeowners associations), partnership, business, corporation, agency or governmental entity identified as the victim of a crime in a police report, a criminal complaint or warrant, an indictment or information or other charging instrument.
 - C. Victim includes a parent, guardian, or custodian of a victim who is unable to meaningfully understand or participate in the legal process due to physical, psychological or mental impairment.
 - D. Victim includes the following relations of a deceased victim if the relation is not the defendant, co-defendant, or conspirator:
 - 1. The spouse
 - 2. An adult child or stepchild
 - 3. A parent
 - 4. A sibling

STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 3.7	PAGE NUMBER 2 OF 2
SUBJECT: Registration of Sex Offenders and Community Notification		

- E. DELJIS: Delaware Criminal Justice Information System – organization that maintains the database of registered sex offenders.
 - F. Tier Level Assignment: Any sex offender **convicted after March 1, 1999**, will have the tier level assigned by the sentencing court. A tier level must be assigned by the sentencing court prior to the registration. The Attorney General's office will assign tier levels on those offenders who fall under House Bill #485.
 - G. Central Victim Services Unit: The central unit within the Department of Correction assigned the responsibility for issues relating to the interaction between the Department of Correction and victims. This unit provides information to victims and oversees sex offender registration and victim notification. The section is located in Central Offender Records. Central Victims Services Unit is different from the Victim Services Agents, located in each county within Probation and Parole, working directly with victims and having the responsibility of registration updates.
 - H. Adam Walsh Act: Federal legislation amending the existing Megan's Law on Sex Offender Registration and re-registration by the offender applicable to all persons who have ever been convicted or declared a sex offender or as otherwise defined in §4121 (a)(4) of Title 11 of the Delaware Code.
- V. POLICY: Any sex offender, as previously specified, shall be registered by the Department of Correction prior to the sex offender's release from incarceration. The Department of Correction monitors all notices received from DELJIS to ensure that the Department is complying with the law, that all documents are completed within the required time frames, and provides assistance to departmental employees involved in the process

No offender shall be released from incarceration or confinement unless and until the person cooperates with the appropriate authorities. The Director of Central Offender Records is notified of any offender who fails to cooperate with authorities

Written procedures for registration of sex offenders and community notification are attached to this policy and will be updated as necessary.

Attachments:

- Attachment #1 Registration of Sex Offenders and Community Procedures and Process
- Attachment #2 Listing of Sex Offender Criteria Offenses
- Attachment #3 DOC Victim Services Address Request
- Attachment#4 Sample Copy of Registration Notification signed by Offender

REGISTRATION OF SEX OFFENDERS AND COMMUNITY REGISTRATION PROCEDURES AND PROCESS

PROCEDURES

The Department of Correction shall provide electronic written notice of the offender's registration information and subsequent release from a DOC facility. These notices shall be sent to the Attorney General's Office; to the Chief Law Enforcement Officer of the jurisdiction which made the original arrest and to the Chief Law Enforcement Officer where the offender intends to reside. The process is handled automatically via the CJIS computer system. The original signed registration forms are sent to the Superintendent of the State Police, along with a copy of the offender's current photograph.

All sex offenders must be registered prior to their anticipated release date. DELJIS assists the Department of Correction by sending electronic notices to Central Offender Records, alerting that the sex offender needs to be registered. The notices are sent starting at 120 days prior to the offender's anticipated release date.

PROCESS

Sentenced Offenders:

- a. All sex offenders are registered prior to their anticipated release date, with the process beginning within 45 days of such date.
- b. Central Offender Records requires that the offender complete the address verification form and obtains three addresses for approval. If the first address does not meet the requirements of the law or the offender's release restrictions, the second and if necessary the third, are verified. School and/or employment are also obtained, if available.
- c. Central Offender Records forwards the form to the Probation and Parole Officer in county in which the offender plans to reside, 45 days prior to release. Probation and Parole verifies the address, returning the verification to Central Offender Records in time to allow the offender to be registered 30 days prior to release.
- d. Central Offender Records accesses the sex offender registration via CJIS through the web and registers the offender.
- e. Upon input of required information, Central Offender Records prints and reviews the registration form and obtains witnessed signature of offender. The process is handled via videophone between Central Offender Records and the facility in which the offender is housed.
- f. Once the registration is complete, CJIS automatically sends an electronic copy of the completed registration form to the designated printer at Central Offender Records; the Attorney General's Office; the Superintendent of the State Police; the law enforcement agency having jurisdiction over the offender's intended address; and the law enforcement agency that made the original arrest.
- g. Central Offender Records maintains a copy of the signed registration form by placing in the current legal file, provides one copy to the offender, and forwards the original signed copy to the Superintendent of the Delaware State Police.

- h. Central Offender Records takes an updated photo of the offender at registration; the scan (AFIS) machine is utilized to update the photo.
- i. When an offender appears in court **from the street** and is convicted of any crime, as specified previously, and is released by a State court on probation or discharged by a State court for any reason, the Court shall handle the registration process; otherwise, it will be handled by DOC.
- j. Upon arrival at a Work Release Center or intake into Probation and Parole, the facility ensures that all sex offenders are registered. If it is discovered that a sex offender has not been registered, he/she shall immediately be registered. Additionally, upon release to Probation and Parole, the officer shall verify the offender's reported information and update as needed.

NOTE: If an offender is being transferred from a Level 5 facility to a Level 4 facility, the offender is registered to that facility with the facility address.

Detentioners (Unsentenced):

- a. Central Offender Records completes a warrant check on those offenders released on their pending charges.
 - 1. If the warrant check reveals the offender is a registered sex offender, the facility is contacted to obtain an updated address from the offender, if applicable. If there is a "new" address, employer or school, the registration is updated; otherwise, no update is required.
 - 2. Central Offender Records sends the registration documents to the facility together with the release paperwork to be signed by the offender.
 - 3. When facility returns signed documents to Central Offender Records, the paperwork is forwarded to DSP along with a copy of the photograph.

Registration of Violation of Probation or Violation of Parole:

A. Any adult convicted of any sex offense in Delaware, or any state, and who is as of September 1, 1998, serving a sentence of probation or parole as part of the sentence imposed for such conviction, who thereafter is deemed by a court of competent jurisdiction to have violated his or her probation or parole, may be required to register by the sentencing court upon petition by the state.

Title/Section	Charge	Effective Date
DE110764	Indecent Exposure 2 nd	06/27/94
DE110765	Indecent Exposure 1 st	06/27/94
DE110766	Incest	06/27/94
DE110767	Unlawful Sexual Contact 3 rd	07/27/94
DE110768	Unlawful Sexual Contact 2 nd	06/27/94
DE110769	Unlawful Sexual Contact 1 st	06/27/94
DE110770	Unlawful Sex Pen 3 rd /Rape 4th	06/27/94
DE110771	Unlawful Sex Pen 2 nd /Rape 3rd	06/27/94
DE110772	Unlawful Sex Pen 1 st /Rape 2nd	06/27/94
DE110773	Unlawful Sex Int3 rd /Rape 1st	06/27/94
DE110774	Unlawful Sexual Inter 2 nd	06/27/94
DE110775	Unlawful Sexual Inter 1 st	06/27/94
DE110776	Sexual Extortion	06/27/94
DE110777	Bestiality	06/27/94
DE110778	Cont Sex Abuse of a Child	06/27/94
DE110779	Dang Crime against Child	06/27/94
DE110780	Female Gen Mutilation	07/03/96
DE110783	Kidnapping 2 nd	07/17/97
DE110783A	Kidnapping 1 st	07/17/97
DE111100	Dealing in Children	06/27/94
DE111108	Sex Exploitation of child	06/27/94
DE111109	Unlawful Dealing in Material Depicting Child	06/27/94
DE111111	Possession of Child Porn	06/27/94
DE111112	Sex offender who resides or loiters	06/27/94
DE111335A6	Violation of privacy Filming	07/20/99
DE111335A7	Violation of privacy Filming	07/20/99
DE114334	Violation of Probation	09/01/98

Attempts of any of the above offenses are valid as well.

DE114121 – Violation of Probation or Violation of Parole – Any adult or juvenile convicted of any of the previous sex offenses in Delaware or any state, prior to June 27, 1994, and who is as of September 1, 1998, serving a sentence of probation or parole as part of the sentence imposed for such conviction, who thereafter is deemed by a court of competent jurisdiction to have violated his or her probation or parole, may be required to register by the sentencing court upon petition by the State.

DEPARTMENT OF CORRECTION
Victim Services

Offender's Name: _____

Race: _____ Sex: _____ SBI# _____

Date of Birth: _____

Facility _____ in _____ which _____ above _____ offender _____ is _____ being housed: _____

Name of responsible employee or designee who is responsible for completing this form:

(Please Print) _____

Listed below are 3 addresses for verification in order of choice (1, 2, 3)
The offender listed above will be residing at the following address upon his/her release:

Address 1: _____ Relationship _____

_____ County _____ Telephone: _____
City, State, Zip

Address 2: _____ Relationship _____

_____ County _____ Telephone: _____
City, State, Zip

Address 3: _____ Relationship _____

_____ County _____ Telephone: _____
City, State, Zip

The above address was verified by Probation & Parole staff on : _____ (Date)

Name of Probation & Parole employee verifying offender's address:

Please Print _____ Telephone No. _____

Address # _____ meets the requirements of the law and the offender's release restrictions.

Address # _____ does not meet the requirements of the law and the offender's release.

The offender will be employed by:

Name of Business _____ Contact Person _____

Address _____ Telephone No. _____

The offender will be attending school or training at:

Name _____ Contact Person _____

Address _____ Telephone No. _____

RETURN A COMPLETED COPY OF THIS FORM TO THE EMPLOYEE LISTED ABOVE ASAP

Delaware Sex Offender Registration/Notification Supplement

1. Pursuant to 11 Del. C. 4120, any person convicted of a sexual offense must register with the Superintendent of the Delaware State Police.
2. If the person required to register changes their Residence, Place of Employment and/or Place of Study, the law requires that the offender inform the Superintendent of the Delaware State Police of the change within seven (7) days. The notification of change must be made in writing.
3. This form can be obtained by contacting the Delaware State Police at the State Bureau of Identification.
4. If the person required to register is going to reside outside of the State of Delaware, the offender must still comply with the registration requirements within Delaware. The offender must also register in the state in which they are going to reside.
5. Delaware law requires that the registration include fingerprints and photograph. If the Offenders fingerprints or photograph are not on file with SBI, the offender will be contacted with directions for complying with this requirement. It is the Offenders responsibility to provide fingerprints and photographs.
6. Any person who knowingly or recklessly fails to register or re-register pursuant to this section or to otherwise comply with any of the provisions of this section, shall be guilty of a Class G Felony.

I have read and I understand the registration requirements set forth in 11 Del. C.
The information contained on this form is true and correct.

Please print Witness and Title

Registrant's Signature

Date

Witness Signature

Legal Guardian of Juvenile Offender

Date

INSTRUCTIONS:

Forward the signed original copy to: Delaware State Police, SBI
P.O. Box 430
Dover, DE 19903